

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LORING ROCKE and MICHAEL CINO,)
)
Plaintiffs,)
)
v.) Case No. 08 CV 3828
)
)
) Judge Guzman
T-MOBILE USA, INC. and)
YOUNG AMERICA CORPORATION,) Magistrate Judge Cox
)
Defendants.)

**T-MOBILE USA, INC.’S MOTION FOR ADDITIONAL TIME
WITHIN WHICH TO ANSWER OR OTHERWISE PLEAD AND
MOTION TO CONTINUE INITIAL STATUS CONFERENCE**

T-Mobile USA, Inc. (“T-Mobile”), by its undersigned attorneys, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, hereby moves the Court for an additional twenty-one (21) days within which to answer or otherwise plead in response to the putative class action complaint in this case. T-Mobile further asks for the Court continue the parties’ initial appearance in this case until after the time for filing and presentation of any motion pursuant to Federal Rule of Civil Procedure 12. In further support of this motion, T-Mobile states as follows:

1. The complaint in this case was filed on July 3, 2008. The complaint purports to set out a state-wide consumer class action claim pursuant to the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 *et seq.* T-Mobile was not served until July 25, 2008. There is a co-defendant in the case, Young America Corporation (“YAC”). T-Mobile does not know whether YAC has been served.

2. Currently, T-Mobile’s answer or other response to the complaint is due by August 14, 2008.

3. On its face, the putative class action complaint in this case includes myriad deficiencies. T-Mobile has accordingly retained counsel and begun the process of preparing a motion, consistent with Rule 12 of the Federal Rules of Civil Procedure, in response to the complaint. T-Mobile asks for a brief additional time period of twenty-one (21) days, until September 4, 2008, within which to complete and file that motion.

4. The Court has previously set an initial status conference in this case for September 3, 2008. T-Mobile further asks that the Court continue that status conference until some time after the presentment of T-Mobile's Rule 12 motion, as the resolution of that motion is likely to either moot or else fundamentally alter the issues to be considered at the initial status conference.

5. This motion is not brought for the purposes of delay, and indeed it is not clear whether all of the defendants have even been served. Rather, this motion is brought in order to foster the efficient administration of this case.

WHEREFORE, T-Mobile moves that the Court enter an order:

- a. Granting T-Mobile to until September 4, 2008 to answer or otherwise plead;
- b. Continuing the September 3, 2008 initial status conference in this case until a time to be determined by the Court after T-Mobile's Rule 12 motion has been filed and presented; and
- c. Providing such other and further relief as the Court may deem proper.

Respectfully submitted,

T-MOBILE USA, INC

By: /s/Robert M. Andelman
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Robert M. Andalman, hereby certify that on July 29, 2008 I caused to be electronically filed the foregoing **T-Mobile USA, Inc.'s Motion For Additional Time Within Which To Answer Or Otherwise Plead And Motion To Continue Initial Status Conference**, which will be served electronically on all registered parties of record.

/s/ Robert M. Andalman